

DIRECTORS TO PAY \$1,400,000

FOR AMERICAN MALTING DIVIDENDS ILLEGALLY DECLARED.

Judgment is Against A. M. Curtis Individually, but Grant B. Schley, Elverten R. Chapman, Geo. F. Neidlinger and Charles A. Stadler Are Equally Liable.

Alexander M. Curtis of Buffalo, a director in the American Malt Company (New Jersey), has been held by Supreme Court Justice Clarke to be liable in the sum of \$1,087,074.50 to the stockholders of the company, for dividends illegally declared and paid by the board of directors, between July 15, 1898, and Oct. 15, 1899. The interest exceeds \$300,000, bringing the total to over \$1,400,000. This is probably the largest individual judgment rendered in the courts of this country for many years.

Incidentally, every one of Mr. Curtis's fellow directors is equally liable. The other directors are Charles M. Warner of Syracuse, Grant B. Schley of Moore & Schley, Elverten R. Chapman, George F. Neidlinger, Seymour Scott and Charles A. Stadler. Suits have been begun against each of them. Mr. Curtis will undoubtedly carry the judgment upon appeal. Archibald A. Hutchinson and Victor McHenry, Jr., are the plaintiff stockholders, suing for themselves and other stockholders. The company joined as plaintiff.

The American Malt Company was organized on Sept. 28, 1897, with a capital of \$300,000, of which half was in 7 per cent. cumulative preferred stock. The first quarterly dividend on the preferred stock aggregating \$219,450 was paid on Dec. 20, 1897, and thereafter eight quarterly dividends were declared down to Oct. 15, 1899, a total of \$1,855,350. Two weeks after the last dividend, on Nov. 2, 1899, as the minutes of the board of directors shows, the affairs of the corporation were in a serious condition.

Outstanding obligations amounted to \$2,400,000; no more temporary loans could be negotiated, and more working capital was needed. To raise money \$400,000 in fifteen year 6 per cent. mortgage bonds were issued, at a cost to the company of \$400,000 in discounts and an annual interest charge of \$24,000.

Hutchinson and McHenry began their suits against the directors, claiming that the dividends had been paid out of the capital and not out of profits. Justice Clarke says that that is a good cause for action under the precedents in this State and the corporation law of New Jersey. He refuses to entertain the claim of the directors that they merely anticipated future profits in declaring the dividends. Malt was always oversold by the company, and contracts for future deliveries, running over many months, were entered into, and on these facts it was sought to uphold the dividends.

Justice Clarke says that in considering whether the dividends were paid out of such contracts, or the profits anticipated from them, cannot be taken into consideration. Under the law the dividends could be paid only from the surplus on hand or from the net profits. The future contracts might show a profit, but they might also show a loss.

"The dividends were based on paper profits, hoped for future, future profits, not on net profits or surplus," writes the Court.

Justice Clarke finds that a deficit of \$12,714.50 was created by the payment of the dividend of July 15, 1898, the third after the incorporation. From that deficit forward to the time under consideration, Oct. 15, 1899, none of the dividends was paid out of the net profits, says the Court, but out of the capital, and all of them were therefore unwarranted and illegal.

Mr. Curtis was not present at the meeting of the board of directors on Feb. 28, 1899, when the dividends were then authorized, so, under the exemption clause contained in the General Corporation law of New Jersey to this effect, he is not liable for the amount of that dividend, which was \$219,450.

But he is liable, says Justice Clarke, for the full amount of each of the other dividends, as follows:

Jan. 15, 1898.....	\$12,714.50
Oct. 15, 1898.....	219,450.00
Jan. 15, 1899.....	219,450.00
Oct. 15, 1899.....	219,450.00
Jan. 15, 1900.....	219,450.00
Oct. 15, 1900.....	219,450.00
Total.....	\$1,087,074.50

Interest on each dividend from the date of payment is also part of Mr. Curtis's liability, says Justice Clarke.

Regarding the claim of Mr. Curtis that he ought to be credited with the accrued profits of the corporation at the time under a changed management, Justice Clarke says that this is impossible under the law. If the law is harsh, he adds, recourse must be had to the Legislature, not to the courts. He adds:

"It does not seem to me that, in these days of great corporations and of combinations into one of many corporations, it is asking too much of the courts, and of the officers as they are, that they should obey the law of their incorporation and not bring their companies to the verge of bankruptcy and ruin by the payment of quarterly dividends on preferred stock out of capital instead of net earnings."

As to the prayer of the plaintiffs for \$500,000 damages for waste of funds due to the mismanagement and the necessity for the bond issue, Justice Clarke says that he fails to find that there was any such wilful fraudulent and illegal conspiracy, as the plaintiffs alleged, among the directors for their personal benefit. The damage he says flows out of the making of the dividends, if there was any damage, and it was therefore merged into the claim for a separate cause of action.

"Any other theory," Justice Clarke concludes, "would result in turning the amount recovered for illegal dividends into a penalty."

MONEY TO SON AFTER ALL.

Daughter to Whom It Was Left Died Intestate Last Year Her Father.

The will of William M. Caldwell, who died at Waverly, Mass., on Oct. 20, was filed for probate yesterday. The chief beneficiary, a daughter, Rose Charlotte Caldwell, died intestate at Cambridge, Mass., four days after her father, so that most of the estate was to her brother, Thomas Caldwell of Bristol, England, notwithstanding that his father left him only \$500 a year in trust, with several bequests, to be given over to him when he shall recover the tone of mind and health of body which is now and has been for some time lacking, and not before.

BIG SEIZURE OF BOGUS DRUGS.

"Medicine" by the Wagon Load Confiscated in Chicago—Five Arrests Made.

CHICAGO, Nov. 29.—The war of the Government on fake medicines broke out in Chicago today. Acting on evidence gathered by the authorities in Washington and in other large cities, Federal detectives assisted by the Chicago police, to-day made raids on the places where bogus drugs are said to be made, confiscated four patrol wagon loads of "medicine," and arrested five persons for misusing their mails.

This was the result here of an attack which is said to be likely to result in scores of arrests in different cities. One of the men arrested to-day said that the king of the medicine swindle is still at liberty.

The evidence upon which the arrests were made to-day was based upon a chemical analysis made by Dr. Virgil Coblentz of the University. He found that a kind of triethylphosphine, which is a substance for trial, a sleep producing medicine, acted as an irritant instead.

This doctored drug was being disposed of at two cents an ounce, while the genuine article sold for \$1.50 an ounce. An analysis of the alleged article, sold as a substitute for iodoform, showed that it contained 75 per cent. of fuller's earth colored with iron rust.

Attorney Harry D. Morton of New York, who has been actively engaged in gathering the evidence, said that many more arrests were expected.

TO THE BOTTOM OF THE SOUND.

Where Mrs. Taylor Wanted to Go in a Diving Suit—Not Allowed.

MOUNT VERNON, N. Y., Nov. 29.—Mrs. William Taylor of Stamford, Conn., went to the harbor in front of the Larchmont Hotel to-day to see the purpose of donning a diving suit and going to the bottom of the harbor on a dare, but when she arrived on a big pile driver where a diver kept his suit the water was so rough that Peter J. Kane, who is a member of the Larchmont Yacht Club and a contractor in charge of the pile driver, would not allow a descent.

Mrs. Taylor is the wife of an engineer employed by Contractor Kane, who is laying a sewer in the harbor.

Mrs. Taylor rowed out to the scow. She is a woman of comfortable weight. Mr. Kane could not imagine what she wanted.

"I came out here to put on a diving suit and go to the bottom on a dare," she said.

"My husband doesn't want me to do it, and I am going to show him that I am not afraid," she said.

Mr. Kane gazed at the woman in astonishment, then looked at the combers dashing against the scow and shook his head.

"I can't let you go down," said Mr. Kane. "I am not afraid," she continued. "I will remain in the water only forty minutes."

Mr. Kane was obstinate, however, and Mrs. Taylor went back to Stamford vowing that when the scow reached there on Friday she would go to the bottom of the Sound.

"She is determined," said Mr. Kane afterward. "Her husband wouldn't go down in the suit and dare her, and she won't take a dare."

GUESSING CONTESTS UNLAWFUL.

Attorney-General Overrules Old Ruling as to "Calculation and Foresight."

WASHINGTON, Nov. 29.—The Attorney-General laid before the Cabinet to-day an opinion which he has rendered on the request of the Postmaster-General, in regard to the status under the Federal anti-lottery laws, of the so-called guessing contests which are conducted by many publications in various parts of the country.

The opinion was asked for because Postmaster-General Wynne believed that the rulings of Assistant Attorneys-General for the Post Office Department under which the Department has been acting for several years were not consistent with certain opinions recently handed down by high courts of law.

For example, the Court of Appeals of New York on Aug. 5 last ruled that any of the so-called guessing contests which lack the elements of a legitimate business enterprise is a lottery within the meaning of the law affecting the transaction of lottery business through the mails.

For some time the Post Office Department has been acting with respect to the so-called guessing contests, and in its rulings which held that when "calculation, foresight, knowledge, inquiry to get him away from the drawing, and a certain amount of money" are the elements of the contest, the use of the mails for carrying on such contests is not in violation of the law.

The United States Supreme Court and the Court of Appeals of New York, however, have maintained that cases identical in principle with those under consideration are guessing contests, and are in effect lotteries.

The Attorney-General bases his opinion squarely on these decisions, and henceforth the guessing contests conducted by publishers will be carefully scrutinized by postal authorities. It is not the intention of the Postmaster-General to enforce the new order indiscriminately, but he will take up each case on its merits as it is presented.

HOUSE FURNACE BLEW UP.

A Hundred Tenants Scared and the Janitor Hurt.

After plumbers had finished repairing the furnace in the basement of the six story apartment house at 543 East 142d street, at 7 o'clock last night, Carl Gerhardt, the janitor of the building, 74 years old, started a fire in it. Two hours later the front of the furnace blew out.

All the tenants in the building, of whom there were more than 100, were shaken up. On the top floor fifty persons at a wake and leaving the corpse, they hurried to the street.

The noise was heard at the Metropolitan Theatre, half a block away, and the crowd there was so great that it was impossible to get out of the theatre.

The janitor's wife was found on her knees tugging at her husband, in an effort to get him away from the flaming grate that had fallen out of the furnace. The old man has severe cuts on the head and leg made by the flying iron.

ST. LOUIS BARS HERR MOST.

The Anarchist Released on His Promise to Leave the City.

ST. LOUIS, Nov. 29.—On the promise that he would leave the city, Herr Johann Most, a New York anarchist, who was arrested last night, was released to-day. His arrest followed the breaking up of two meetings at which he was to have spoken on anarchism.

No charge was made against him and he was held for the chief. When Chief of Police Kelly had Most brought before him to-day he was asked if he would leave the city if released. On answering in the affirmative the police let him go.

LEHIGH VALLEY RAILROAD.

Through cars without change to Toronto, Chicago and St. Louis. Modern equipment. Dining cars and Pullman sleeping cars. Particulars 300 and 125 Broadway, New York, N. Y.

TO DELAY TARIFF REVISION.

GROWING FEELING AGAINST AN EXTRA SESSION.

No Doubt, However, That Dingley Schedules Will Be Revised in Roosevelt's Administration—Programme to Be Outlined Within the Next Ten Days.

WASHINGTON, Nov. 29.—The movement against any hasty revision of the tariff is undoubtedly gaining headway, although there is no marked change in the pretty general belief among the Republican leaders of all shades of opinion that a readjustment of the Dingley schedules is bound to come under the present administration.

The positive statement of Senator Hale that he will fight revision to the last ditch and the more guarded but quite as plain meaning of Speaker Cannon's acknowledgment that he is still a "stand patter," and thinks that the country doesn't want any tariff changes, show that the readjusters will meet with strong opposition.

It is a fact, too, that the best known and ablest Republican leaders in both the Senate and the House are generally in opposition to the policy of undertaking the revision at an extra session to be held soon after the Fifty-ninth Congress comes into existence on March 4, next, and some of them, like Senator Hale, hold that the present tariff schedules are good enough and should be let severely alone.

While the ultra stand patters are aware that President Roosevelt is in sympathy with the revision movement they have no complaint or criticism to make of the course he is pursuing. They are satisfied that he regards the question as one which must be dealt with cautiously, and that whatever his personal views the wise policy for him to follow is to ascertain the spirit of the country as expressed through the representatives of the people before determining on any line of action.

The President will, of course, not hesitate to state frankly what his views are and will naturally do what he can to bring Senators and Representatives into agreement with them, but it is evident that he does not intend to carry out his personal inclinations if he finds them in opposition to a majority of the strong men upon whose judgment he feels bound to rely.

Within the next week or ten days there will be developments which will doubtless show pretty definitely what the Republican Congress will attempt to do. Since the big leaders have become aware of the strength of the revision movement they have taken action to bring about the arrangement of a programme which will be more or less satisfactory to all sides.

This programme will be brought to the attention of the revision leaders in the near future, and it is not doubted that even if those who want to overhaul the Dingley schedules develop surprising strength they will be obliged to make some concessions to the opposition, including among its members most of the men who determine in nearly every instance the character and scope of important legislation.

The "stand patters," while appreciating the great advantage to their opponents, are not greatly concerned over the inclination of the President, for the reason that they know that Mr. Roosevelt will do nothing to jeopardize the present solidity of the Republican party.

Speaker Cannon and Attorney-General Moody dined with the President at the White House to-night, and after dinner the three had a long talk about the tariff and other matters. Mr. Roosevelt told some of his visitors two weeks ago, who went to talk with him about the question of an extra session of Congress and the revision of the tariff, that he wished to obtain the views of leading members of the House, mentioning especially the Speaker.

After the White House dinner and conference to-night, Mr. Cannon said: "I said yesterday practically all that I could say about the talk of revising the tariff. As I said when I discussed it with running along about right as they are. As to what will be done I don't know; I'm just waiting, as everybody else seems to be. To quote the late Tom Reed, it is a mighty easy thing to revise the tariff on paper. If we could get some few amendments that would satisfy all the various newspapers, editors, and suit every interest, why, it would be an easy matter. There is not any occasion for an upheaval."

Mr. Cannon expressed his views frankly and fully to the President. As to the President's ideas on the subject, the Speaker had nothing definite to say, but made no secret of the fact that Mr. Roosevelt is seeking the fullest consent of the leaders in the Senate and House.

BOSS FARMERS TO CONFER.

Canadian Minister and Secretary Wilson to Meet at Chicago Secret Show.

CHICAGO, Nov. 29.—John Dryden, Canadian Minister of Agriculture, arrived to-day to attend the stock show. To-morrow he expects to meet Secretary of Agriculture Wilson, who is on his way from Washington, and have a conference. One of the subjects which Minister Dryden plans to take up with Secretary Wilson is the need of revising the tariff on Canadian agricultural products.

"The tariff wall should be lowered," said the Canadian Minister. "The great expense of shipping cattle from Canada, to the United States has in a measure retarded our export to the stock show. Canada is flourishing, and the wheat raising country of the Northwest is bound to make record some day. Everything raised in our latitude is harder than the products from farther south and is better."

TROLLEY ACCIDENT A MURDER?

Pittsburg Motorman Says Man He Ran Over Was Pushed Under Car.

PITTSBURGH, Nov. 29.—Motorman Jacob Fender of the Pittsburg Street Railway made a charge of murder against Levi Hutson of Boston, to-day. Hutson was arrested and held in custody.

John J. Mansfield, a marine engineer of Providence, R. I., was killed by a traction car last evening between Ninth and Tenth streets, Esplanade. The men were friends and were employed by the Pittsburg Railway Company at Brunswick Island.

Fender said that his car was approaching the place where Mansfield and Hutson stood, the latter pushed Mansfield from the car, and he found that there was a man under the car, after which he went away. When arrested Hutson maintained that his companion fell in front of the car. Mansfield was 53 years old and Hutson is 21 years old.

15 Hours and 30 Minutes to Cleveland.

Pennsylvania Railroad's fast service, Leave New York at 10:30 P. M. Arrive Cleveland at 11:30 P. M. Through Pullman drawing room sleeping car. —Ad.

CHILDREN AS DETECTIVES.

Boys and Girls Trying to Help Mr. Bandelow Find His Child.

Schoolboys and schoolgirls in Brooklyn are aiding William Bandelow, of Seventh street, Manhattan, in a search for his little son George, who has been missing since his father, an accompanist, and another and sister on the ill-fated General Slocum disaster on June 15 last. Mrs. Bandelow and her daughter lost their lives.

A reward of \$100 is offered for information leading to the finding of the child by Mr. Bandelow, who is a designer of women's clothing and is well to do. Circulars bearing pictures of the boy, who is 3 years and a half old, and describing him are being handed around among the school children by Mr. Bandelow personally, the necessary permission having been secured from School Superintendent Maxwell.

In the East New York section of Brooklyn especially the search is being pushed, for it is known that a small boy whose description is confident his child is living, zealously cared for by a woman who has learned to love the little fellow as her own. She is supposed to live in the neighborhood of Wyona street and Liberty avenue, but so far the efforts of Mr. Bandelow and the police have failed to locate her. Her name is known to a small boy whose description corresponds with the Bandelow child and who, he is said to have told persons, was rescued from the General Slocum, was seen at Canarsie, Brooklyn, last summer by friends of a friend of Mr. Bandelow.

The woman, according to Mr. Bandelow's friends, said she would gladly return him to his parents if they could prove that claim to the child. She was keeping him dressed, she said, in clothing the same as he wore when taken from the burning boat, a sailor suit and cap of blue, the former with bloomer knee breeches.

Capt. S. H. Berg of the United States Life Saving Corps, who made many rescues at the Slocum disaster, told Mr. Bandelow that he is sure he rescued his little boy from the wreck.

CUBA'S PLANS TO PAY SOLDIERS.

Bond Issue of \$28,500,000 or a Loan of \$10,000,000.

SPECIAL CABLE DISPATCH TO THE SUN. HAVANA, Nov. 29.—The proposed internal bond issue of \$28,500,000, as cabled to THE SUN last night, is not a loan, but a method by which the ex-soldiers are to receive the balance due them in bonds. The advantage of this plan from the speculator's point of view is that the average ex-soldier is expected to convert his bonds into cash at an enormous discount. Thus the country would incur a big indebtedness for the benefit of the outsiders who would buy the bonds.

By another plan that has been proposed, the issue of a loan of \$10,000,000 in order to settle the claims on a percentage basis, the soldiers would probably get as much in actual cash as by the former plan.

At present speculators and members of Congress are busy buying up claims to enable them to control the situation. The result is that the ex-soldiers, who do not understand the situation, are being misled by their claims. When all of these that can be bought are purchased it is expected that the passage of a bill providing either for a loan of \$10,000,000 or a bond issue of \$28,500,000 will be attempted in Congress.

It is obvious, therefore, that the longer the issue of the bonds is delayed, the more the ex-soldiers, who, losing hope, will sell their claims, and the better it will be for the country. Congress appears to be changing its mind, and it is not unlikely that the loan or the well being of the ex-soldiers.

DANE DROWNED BY HIS GOLD.

A Birth Balance a Suicide in the Steamship Bluecher's Captivity.

F. E. Daldorph, a melancholy Dane, who was a second cabin passenger aboard the Hamburg-American liner Bluecher, in yesterday, jumped overboard in mid-ocean on Thursday afternoon in a gale. Chief Officer Franck, who was on the bridge, hurried a life buoy toward the Dane, who sank like a stone and was never seen again.

He was about 63 years of age and had left \$121 in paper money with the purser after boarding the ship. What sent him to the bottom was a gold watch, valued at \$200, and a gold and silver. His fellow passengers say that he was gloomy and lamented that he had lost his fortune.

He said that he had lived some time in America and that he had been on a visit to his old home where he found the times changed and that he was not wanted. He is now a new generation that did not know him.

One day he had fallen and another cometh. On the ship he had reduced the number of the ship's company, one of the 1,402 stowaway passengers, Mrs. Francesca Schuch, who already had a brood of five, balanced the ship's company, and she is now a Bohemian, bound for the mining district of Pennsylvania.

MUST'N GUN FOR COL. GREENE.

In the Effete East—Arizona Let Go, but With a Warning.

James W. Goodman of Arizona, who drew a pistol on Col. W. C. Greene of the Greene Consolidated Copper Company on April 9, pleaded guilty before Judge Foster in General Sessions yesterday to assault with a dangerous weapon.

Col. Greene sent a letter saying that while he felt Goodman's attack on him was unjust, he was going to suspend sentence if Goodman sent a letter saying that he was sorry. The District Attorney did not object and Judge Foster said:

"Your case is an unusual one in our community. It savors of the wild West. I could send you to State's prison for five years, but I am going to suspend sentence. I warn you that hereafter you must keep the peace or it will go hard with you."

STREET TOOTH-PULLING.

Brooklyn Alderman Wants It Forbidden by Ordinance.

Alderman Redmond presented at yesterday's meeting of the board an ordinance to restrain the public practice of dentistry in the streets. The ordinance is intended to prevent a certain dentist in Brooklyn from advertising his business by hanging a sign over the entrance to his street stands in Brooklyn. The matter was referred to the Committee on Law and Legislation.

The board passed an appropriation of \$50,000 to pay the expenses incurred by the Police and Charities departments in new researches in connection with the General Slocum disaster.

SHOPPERS SEE A SUICIDE.

Russian Tailor Shoots Himself in Chicago Store After Pining at His Wife.

CHICAGO, Nov. 29.—Paul Herosick, a tailor, shot and killed himself last afternoon while shopping with his wife in a crowded department store. He first attempted to kill his wife. After missing her with the first shot he turned the revolver on himself.

Herosick was a Russian, 28 years old, and came to Chicago from Trenton, N. J. He is supposed to have been partly defamed and to have been jealous of his wife.

DROPS \$15,000 AT ROULETTE.

L. W. AHRENS WAS A CUSTOMER OF HARRIS PARR'S.

The Gambling Apparatus of the Place Seized in Election Night Raid Burned Up Yesterday in the Criminal Court Furnace—The Gamblers Pay Fines.

When District Attorney Jerome and two of his assistants, Lord and Corrigan, with agents of the Goddard Anti-Police Society, raided Harris Parr's gambling house in West Eighty-second street on election night there was a lot of speculation about the occasion of the raid. It was learned yesterday that the man who had gambled and lost in the house was L. W. Ahrens, the stationer and printer in Liberty street, who is a member of the Tammany Hall general committee and has done much city printing.

Mr. Ahrens lost about \$15,000 in one night at roulette. He paid by a check or checks. Then he became suspicious that everything wasn't all right, and stopped the checks.

This story leaked out of the District Attorney's office yesterday after Parr and the three men who were arrested with him in the house, Edwin Barclay, James Dunbar and William J. Whitehead, had pleaded guilty in the General Sessions.

District Attorney Jerome refused to say anything about Mr. Ahrens's gambling troubles, except that he did not know where when the raid was made. At Mr. Ahrens's home in West Eighty-third street, where he was under a doctor's care with a sore throat, reporters were referred to his counsel, Maurice B. Blumenthal, the former Assistant District Attorney. Mr. Blumenthal made this statement:

"Mr. Ahrens claims that any money or check obtained from him by these men (Parr, et al.) was obtained through fraud, and therefore Mr. Ahrens is not and never was indebted to them, either legally or morally."

It was said around the District Attorney's office that Mr. Ahrens felt at the time that he had been cheated by crooked roulette wheels. Mr. Jerome examined the gambling implements seized, but could not find that there was anything crooked about them. They were more expensive than any gambling materials taken from any house he has raided, with the one exception of Canfield's.

Mr. Parr and his three associates were arraigned before Judge Foster yesterday morning. Parr was fined \$250 and the others \$50 each. Then Mr. Jerome put Parr on the witness stand. Parr swore that the gambling apparatus was his. Thereupon Mr. Jerome asked Judge Foster for an order to destroy the stuff, which was granted.

Mr. Jerome sent a couple of subpoena servers to the property clerk's office at Police Headquarters, and all the gambling tools were carted to the Criminal Court Building. They filled a big wagon, which attracted a crowd when it backed up in front of the Franklin street entrance.

There were two racks of roulette wheels, two taro layouts, several hundred packs of cards and a basket of chips.

All the stuff was carried into the basement near the furnace. Chief Clerk Henneberry and a couple of husky assistants with axes backed away at the wheels and tables, but the wood was tough and they had hard jobs. They made so much noise that the judges in the courtrooms heard them. Finally all the stuff was smashed and dumped into the furnace.

THEY AGREE TO DISAGREE.

Dr. Payne Escorts His Wife West, Where She Hopes to Get a Divorce.

RIVERHEAD, L. I., Nov. 29.—Dr. Albert E. Payne has put his parents in charge of his home here, left his practice in charge of other physicians and is travelling West, escorting his wife to South Dakota, where she hopes to obtain a divorce from him. After installing Mrs. Payne there the doctor will return and resume his practice.

Mrs. Payne must remain six months in South Dakota to establish her residence, and if she obtains the divorce it is believed that the doctor will escort her home. The couple appear to have agreed that they had best separate while their differences are trivial rather than wait for them to become bitter. The doctor and Mrs. Payne left Riverhead yesterday.

Some time ago, before the decision was made by the Supreme Court in the divorce case, the doctor and his wife consulted several intimate friends. According to these friends each absolved the other of wrongdoing, both agreed that love was a thing of the past. Capt. Payne, the doctor's father, admitted to-day that Dr. Payne was escorting his wife to South Dakota.

They have agreed that it is best to disagree," he said.

Why did the doctor find it necessary to accompany his wife on her trip to Dakota, he was asked.

"And why not?" he replied. "The young woman is not used to travelling. While her husband and she are not at all as husband and wife, they are good friends enough to travel together."

BAY STATE SETTLEMENT NEAR.

Suits by Receiver Pepper Against Addicks and Others May Be Compromised.

PHILADELPHIA, Nov.